

Response
Application No. 09/884,102
Attorney Docket No. 042202

REMARKS

Claims 1-10 are pending in this application. By this Amendment, claim 5 has been amended. It is submitted that this Amendment is fully responsive to the Office Action dated March 21, 2007.

Claim Objection:

Claim 5 stands objected to in item 1, page 3 of the Action due to a lack of antecedent basis for the phrase “the viewing age limit”. Claim 5 has been amended to overcome this claim objection. Accordingly, withdrawal of this claim objection is requested.

As to the Merits:

As to the merits of this case, the Examiner maintains the following rejections:

1) Claims 1, 5, 6 and 10 stand rejected under 35 USC §103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931, of record) in view of Tessier et al. (U.S. Patent No. 5,146,336, of record);

2) Claims 2 and 7 stand rejected under 35 USC §103(a) as being unpatentable over Alexander et al. and Tessier et al. in view of Breslauer et al. (U.S. Patent No. 6,637,027, of record);

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3) Claims 3 and 8 stand rejected under 35 USC §103(a) as being unpatentable over Alexander et al. and Tessier et al. in view of Dunn et al. (U.S. Patent No. 5,721,829, of record);
and

4) Claims 4 and 9 stand rejected under 35 USC §103(a) as being unpatentable over Alexander et al. and Tessier et al. in view of Kohn et al. (U.S. Patent No. 6,462,784, of record).

Each of these rejections are respectfully traversed.

In response to Applicants' argument that col. 6, lines 34-41 of Tessier teach that when the stable overlay message is displayed to advise the subscriber that he is arrears of payment and will not be provided with service, the user is unable to select a different channel or is not provided with service, since the controller-converter is locked to an unused channel containing noise, the Examiner changes his reliance on the teaching of Tessier by now specifically relying on the disclosure in col. 6, lines 17-29 of Tessier.

That is, the Examiner asserts on page 3, lines 9-19 of the Action that:

Tessier et al. discloses a system for substituting a message in place of a scrambled video signal incoming from a cable or other primary video signal source (col. 2, l. 66-68 & col. 3, l. 1-3). When an undecoded pay TV signal is tuned, the system switches to a locally generated message for display in place of the undecoded pay TV signal (col. 6, l. 17-29). The Examiner interprets an undecoded pay TV signal as a TV signal that has not been contracted for. The Examiner further notes that the input line 1 of Tessier et al. carries composite video input signals received from a single tuner in a CATV converted (col. 2, l. 32-35). As such, the Examiner maintains that it would have been obvious to one of ordinary skill in the art to modify one or more of the tuner outputs of Alexander et al. to include a switching system for displaying a message in place of an undecoded pay TV signal, such as that taught by Tessier et al. in order to replace a scrambled signal that has objectionable amounts of jitter (col. 1, l. 23-40). (Emphasis added).

However, it is respectfully submitted that the Examiner is mis-characterizing the teachings of Tessier, since while such reference may teach substituting a locally generated composite video as a overlay signal for an undecoded pay TV signal, Tessier fails to disclose or fairly suggest that the locally generated substituted overlay signal is **a message corresponding to acquired information related to the selected channel that has not been contract for**, as required in claim 1. Instead, Tessier merely discloses that, “[t]he locally generated insert signal is completely stable and devoid of jitter.”¹

As such, it is respectfully submitted that Alexander et al. and Tessier et al., singly or in combination, fail to disclose or fairly suggest the features of claim 1 concerning *message display means for creating a message corresponding to the acquired information and displaying the message in an area where the received video is reduced and displayed, wherein the message corresponding to the acquired information is displayed also in a case where service is provided, the selected channel has not been contracted for and the video does not come on the area where the received video is reduced and displayed.*

¹ Please see, col. 6, lines 23-24 of Tessier.

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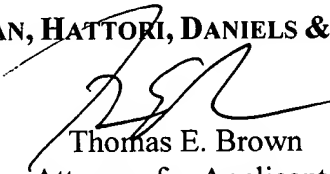
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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